

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

KARA KOWALSKI,

Plaintiff,

v.

Civil Action No. 3:07-CV-147
(Judge Bailey)

BERKELEY COUNTY SCHOOLS,
MANNY P. AVRON, II, RONALD
STEPHENS, BECKY J. HARDEN,
BUFFY ASHCRAFT, and RICK DEUELL,

Defendants.

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME
AND FOR CONTINUANCE OF TRIAL**

On this day, the above-styled matter came before the Court for consideration of the parties' Joint Motion for Extension of Time and For Continuance of Trial [Doc. 54]. In support of the motion, counsel states that no discovery has been conducted in this matter due to the pendency of the defendants' motion to dismiss [Doc. 40], upon which this Court has now ruled.

Having reviewed the motion, and finding good cause shown, it is the opinion of this Court that the parties' motion [Doc. 54] should be, and is, hereby **GRANTED**. Therefore, the February 12, 2008, Scheduling Order [Doc. 23] is hereby **VACATED**. Accordingly, this Court will conduct a telephonic scheduling conference on November 24, 2008, at 1:30 p.m. to determine new deadlines and a trial date. **The Court will initiate the phone conference using the telephone numbers provided in CM/ECF. The parties are**

directed to contact the Court no later than November 21, 2008, if a different number is to be utilized for this call.

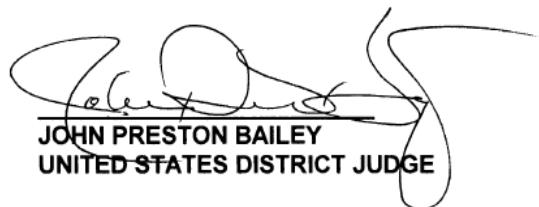
The parties are directed to confer with each other regarding proposed dates and shall submit to this Court a planning meeting report on or before November 21, 2008. This report shall include the parties' report on those matters set forth in LR Civ P 16.01(b)(1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties may refer to Form 35 of the Federal Rules of Civil Procedure for an example of a report on a planning meeting. However, the parties should be certain to supplement Form 35 with LR Civ P 16.01(b)(1-5) and 16.01(c) disclosures. The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and LR Civ P 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

The Court will review dates for the thirteen (13) items listed on the Scheduling Conference Checklist enclosed herewith. Pursuant to LR Civ P 16.01(e), a scheduling order will be entered thereafter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: November 4, 2008.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Plaintiff(s),

v.

Civil Action No._____

Defendant(s).

SCHEDULING ORDER CHECKLIST

ATTORNEYS

1. INTERMEDIATE PRETRIAL CONFERENCE

2. MEDIATION Before -

3. JOINDER AND AMENDMENTS

4. EXPERT DISCLOSURE

- a. With Burden _____
- b. Without Burden _____

5. EXAMINATION/INSPECTIONS

6. DISCOVERY COMPLETION

7. DISPOSITIVE MOTIONS

8. PRETRIAL DISCLOSURES, FED R. CIV PRO 26(a) 3

- a. Objections _____

9. JURY INSTRUCTIONS, VOIR DIRE and VERDICT FORMS

a. Objections _____

10. MOTIONS IN LIMINE

a. Objections _____

11. JOINT FINAL PRETRIAL CONFERENCE ORDER

12. FINAL PRETRIAL CONFERENCE

13. Trial _____

(If non-jury trial, Proposed Findings of Fact
and Conclusions of Law are to be filed with Court
and opposing counsel _____)